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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,652	10/31/2003	Takashi Koizumi	Q78263	8481

23373 7590 01/25/2005
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EXAMINER

EVANISKO, LESLIE J

ART UNIT PAPER NUMBER

2854

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/697,652

Applicant(s)

KOIZUMI ET AL

Examiner

Leslie J. Evanisko

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/16/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-18 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-9, and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimura (JP 9-71348). Kimura teaches a conveying device comprising a moving member **7** movable in at least a horizontal direction, a rotating member **6** rotatably supported at the moving member **7**, and a holding member **15** rotatably supported at the rotating member (at **12**) and able to hold a sheet **P**, wherein in a state in which the holding member is holding the sheet, the holding member conveys the sheet by at least one of movement of the holding member, rotation of the rotating member with respect to the moving member, and rotation of the holding member with respect to the rotating member. See Figures 1-6 and 8-9 and the attached partial English language translation in particular. Note the device of Kimura is broadly capable of being used with sheets oriented in different directions, such as horizontally or vertically, and therefore meets the claim language.

With respect to claim 2, note the conveying device of Kimura includes different drive sources **10**, **8**, and **17**.

With respect to claim 3, note the conveying device of Kimura includes a restricting member **9** engaging the moving member **7** such that the moving member moves along the restricting member. See, for example, Figure 8.

With respect to claims 4 and 12-13, note the holding member **15** of Kimura is a suction member that engages the sheet at one end portion of the sheet **P**, as shown in Figures 1 and 3 in particular.

With respect to claims 6-8, again note that the sheet is not part of the claimed combination and since the device is broadly capable of being used with sheets oriented in different directions, it meets the claim language as recited. Additionally, note the holding member of Kimura holds one end portion of the sheet such that the one end portion is oriented in the vertical direction and, as the device moves the different positions shown in Figure 5, moves and conveys the sheet (at least partially) in the direction that the one end portion is oriented. Note the holding member 15 is a suction member that is rotatable about the pivot 12, as shown in Figure 3 in particular.

With respect to claim 9, note Kimura teaches a method as recited including holding the sheet **P** with the holding member **15** and rotating the rotating member **6**.

Allowable Subject Matter

3. Claims 14-18 are allowed.
4. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 5, the prior art of record fails to teach or fairly suggest a conveying device having all of the structure as recited, in combination with and particularly including, the moving member, rotating member, and holding member being configured such that in a state in which the holding member is holding the sheet, *due to at least the rotating member rotating*, the holding member moves and conveys the sheet to a position substantially opposing a position at which the holding member first holds the sheet.

With respect to claims 14-18, note the previous comments regarding the reasons for indicating claims 14-18 allowable as set forth on pages 5-6 of the Office Action dated August 18, 2004.

Response to Arguments

6. Applicant's arguments filed November 16, 2004 have been fully considered but they are not persuasive of any error in the above rejections.

In particular, applicant has amended claims 1 and 9 to clearly define that the moving member is movable in a horizontal direction and the horizontal direction is parallel to a loaded sheet. Applicant further argues that the Examiner has acknowledged in the previous Office Action that the horizontal feature is not disclosed or suggested by any of the cited references and points specifically to page 6 of the Office Action. The Examiner disagrees with this argument. In particular, a close examination of the Examiner's statement for reasons for indicating allowable subject matter in the Office Action dated August 18, 2004 makes it clear that claims 14-18 were indicated as allowable because the overall combination of the exposure device as recited, including the vertical stack of cassettes holding printing plates and a moving member disposed parallel to the cassettes and movable in a horizontal direction, was not taught nor suggested by the prior art of record. Although some emphasis was placed on the horizontal movement of the moving member in the Office Action, it is the Examiner's position that the horizontal feature alone is not the reason for allowability.

Furthermore, the Examiner points out that applicant's amendments to claims 1 and 9 are not proper in that applicant is defining the direction in which the sheet is loaded into the device. However, claim 1 is drawn to a

conveying device per se and not the combination of the conveying device and sheets. Additionally, claim 9 is drawn to a method of conveying a sheet provided with the moving member movable in a horizontal direction. In neither case is the sheet or the orientation in which it is loaded in the device part of the positively recited structural elements (or method steps). Therefore, how the sheets are loaded and/or oriented for use with the device of claim 1 or in the method of claim 9 is merely a functional recitation of a desired mode of operation and is of no patentable significance. In particular, the Examiner points out that the device of Kimura does include a moving member movable in a horizontal direction and therefore is capable of being used in the manner as recited.

In view of the above reasoning, the Examiner is not persuaded of any error in the above rejections.

Conclusion

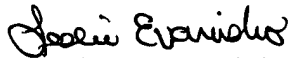
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168.

Art Unit: 2854

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
January 19, 2005